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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,917	03/19/2004	Sroy Khou	USP2357A-EPAC	8353
30265	7590	12/08/2005	EXAMINER	
RAYMOND Y. CHAN 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			RAMIREZ, JOHN FERNANDO	
			ART UNIT	PAPER NUMBER
			3737	
DATE MAILED: 12/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/804,917	KHOU, SROY	
	<b>Examiner</b>	<b>Art Unit</b>	
	John F. Ramirez	3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/19/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1-3, 15, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Creaghan, Jr. (US 6,923,762).

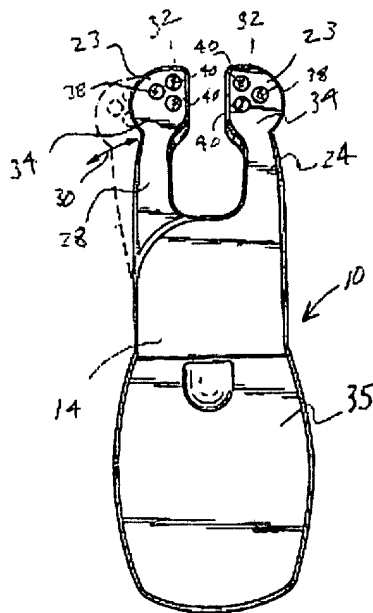


FIG. 2

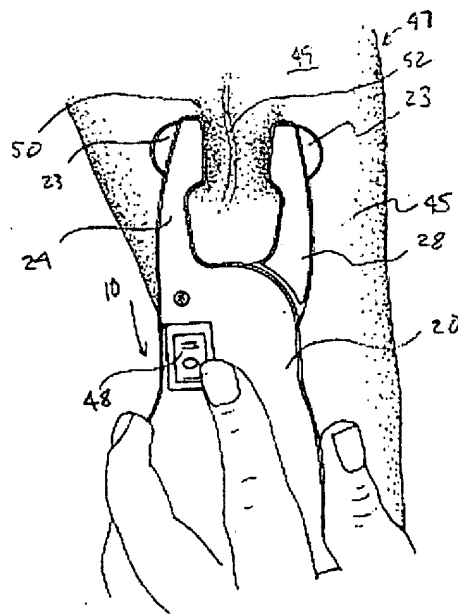


FIG. 4

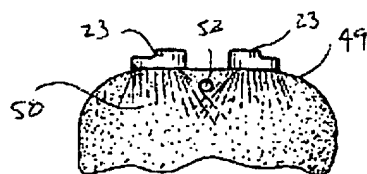


FIG. 5

Art Unit: 3737

With respect to claims 1-3, Creaghan, Jr. shows in Figures 2, 4 and 5, a vein position locating device, comprising: a vein probing head which comprises two light emitters spacedly and oppositely apart from each other to define a treatment channel therebetween, wherein said vein probing head is adapted for contacting on a skin surface of a user so that each of said light emitters (38, 34, Fig. 2) is adapted for emitting a light beam to penetrate through said skin surface of said user so as to visualize a vein thereunder (Fig. 5), wherein said vein probing head is arranged for slidably moving on said skin surface of said user until said vein is aligned in said treatment channel between said two light emitters for vein treatment (Fig. 4), wherein each of said light emitters has a plurality of light emitting holes spacedly formed on a bottom emitting surface of said light emitter such that said light beams pass through said light emitting holes for penetrating through said skin surface of said user to highlight said vein there under when said bottom emitting surfaces of said light emitters contact with said skin surface of said user (Figs. 2, 5), wherein each of said light emitters has a transparent light guiding portion formed on a bottom emitting surface of said light emitter such that said light beams pass through said light guiding portion for penetrating through said skin surface of said user to highlight said vein there under when said bottom emitting surfaces of said light emitters contact with said skin surface of said user (Figs. 2, 5).

With respect to claim 15, Creaghan, Jr. discloses a vein position locating device, further comprising means for retaining said vein to align within said treatment channel (Fig. 4).

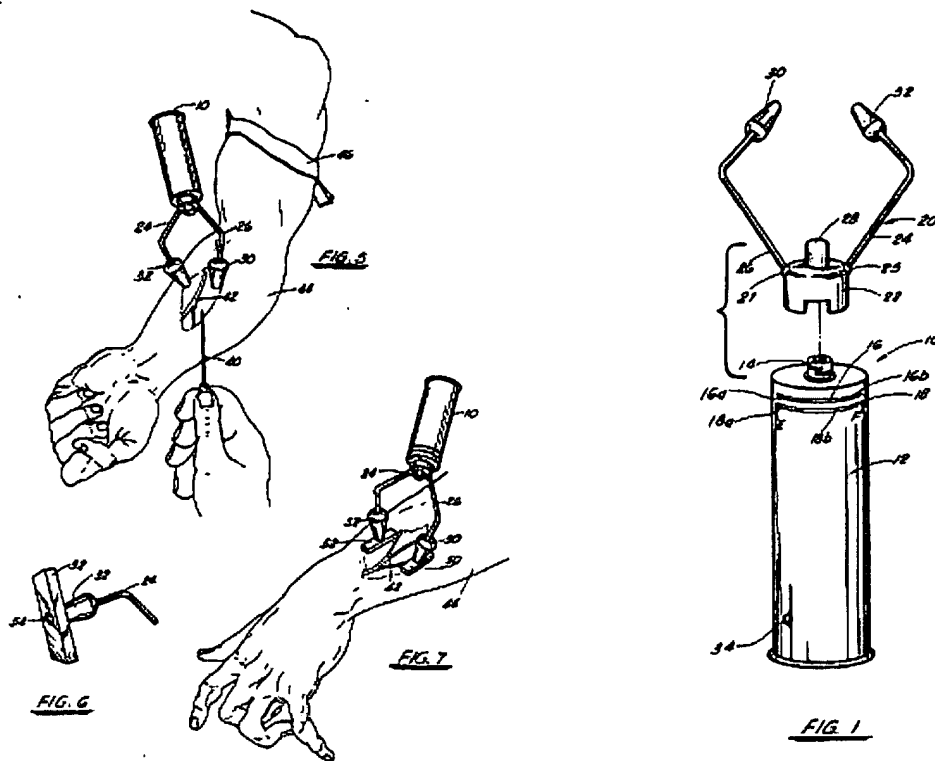
Art Unit: 3737

With respect to claims 18 and 19, Creaghan, Jr. shows in Figures 2, 4, and 5, a method of locating a vein under a skin surface of a user by a vein position locating device which comprises a vein probing head comprising two spaced apart light emitters to define a treatment channel therebetween, wherein said vein position locating method comprises the steps of: (a) contacting said vein probing head on said skin surface of said user wherein said two light emitters emit a light beam to penetrate through said skin surface of said user to highlight said vein; and (b) aligning said vein with said treatment channel for vein treatment through said treatment channel, and in step (a), further comprising a step of adjusting a light intensity of said light beam from said light emitters for allowing said light beam to penetrate through said skin surface to highlight said vein so as to best visualize said vein within said treatment channel (col. 3, lines 2-14).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



Claims 4-14, 16, and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Creaghan, Jr. in view of Landry (US Re. 33,234), Creaghan, Jr. teaches all the limitations of the claimed subject matter except for mentioning specifically a vein position locating device, further comprising an operational control unit comprising a light generator for generating said light beam and a light transmission cable connecting said light generator with said vein probing head for transmitting said light beam from said light generator to said light emitters, wherein said operational control unit further comprises a control circuit electrically connected to said light generator to selectively adjust a light intensity of said light beam generated by said light generator towards said vein probing head for allowing said light beam to penetrate through said skin surface to highlight said

Art Unit: 3737

vein, wherein said operational control unit further comprises a portable casing having a light outlet, wherein said light generator and said control circuit are received in said portable casing while said light transmission cable is detachably engaged with said light outlet to communicatively connect with said light generator, wherein said light transmission cable comprises at least a light transmission fiber having a predetermined light transmittivity for transmitting said light beam generated by said light generator to said vein probing head, and means for retaining said vein to align within said treatment channel.

However, a vein position locating device, further comprising an operational control unit comprising a light generator for generating said light beam and a light transmission cable connecting said light generator with said vein probing head for transmitting said light beam from said light generator to said light emitters, wherein said operational control unit further comprises a control circuit electrically connected to said light generator to selectively adjust a light intensity of said light beam generated by said light generator towards said vein probing head for allowing said light beam to penetrate through said skin surface to highlight said vein, wherein said operational control unit further comprises a portable casing having a light outlet, wherein said light generator and said control circuit are received in said portable casing while said light transmission cable is detachably engaged with said light outlet to communicatively connect with said light generator, wherein said light transmission cable comprises at least a light transmission fiber having a predetermined light transmittivity for transmitting said light beam generated by said light generator to said vein probing head, and

Art Unit: 3737

means for retaining said vein to align within said treatment channel are considered conventional in the art as evidenced by the teachings of Landry (US Re. 33,234).

The Landry patent teaches a vein position locating device, further comprising an operational control unit comprising a light generator for generating said light beam and a light transmission cable connecting said light generator with said vein probing head for transmitting said light beam from said light generator to said light emitters, wherein said operational control unit further comprises a control circuit electrically connected to said light generator to selectively adjust a light intensity of said light beam generated by said light generator towards said vein probing head for allowing said light beam to penetrate through said skin surface to highlight said vein, wherein said operational control unit further comprises a portable casing having a light outlet, wherein said light generator and said control circuit are received in said portable casing while said light transmission cable is detachably engaged with said light outlet to communicatively connect with said light generator, wherein said light transmission cable comprises at least a light transmission fiber having a predetermined light transmittivity for transmitting said light beam generated by said light generator to said vein probing head, and means for retaining said vein to align within said treatment channel.

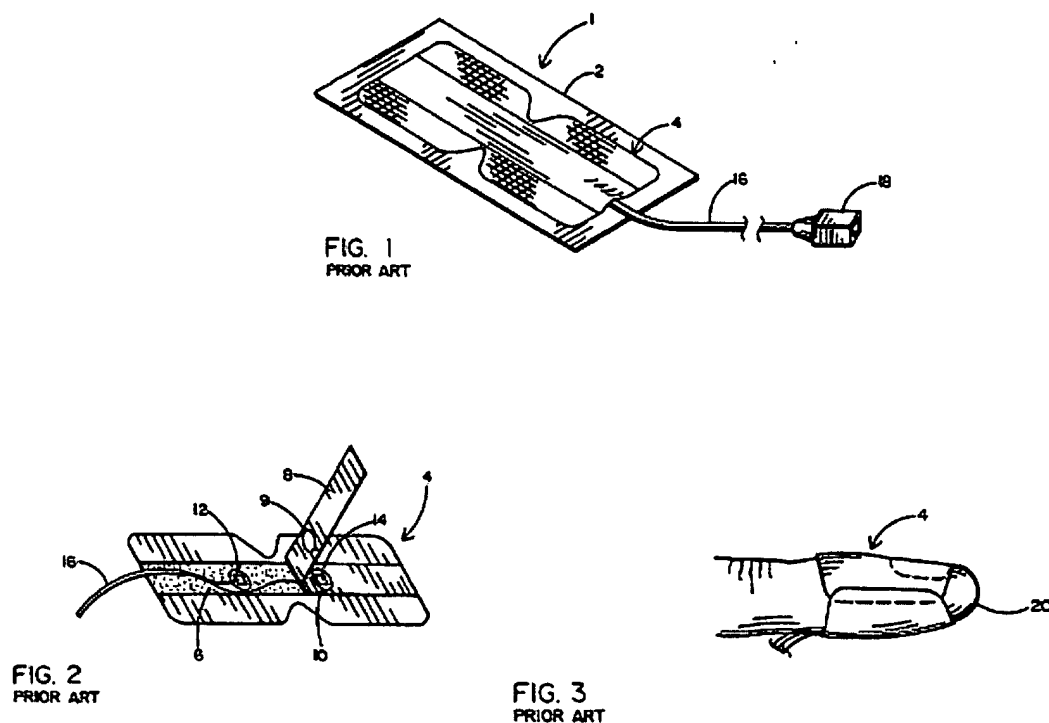
Based on the above observations, for a person of ordinary skill in the art, modifying the device disclosed by Creaghan, Jr., with the above discussed enhancements would have been considered obvious because such modifications



Art Unit: 3737

would have improved visualization of peripheral veins which are otherwise difficult to see or palpate, avoiding the agony of a patient being stuck with needles repeatedly until a vein is found.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Creaghan, Jr. in view of Branigan (US 5,337,744).



Creaghan, Jr. teaches all the limitations of the claimed subject matter except for mentioning specifically the step of fastening said vein probing head to said user's body to retain said vein within said treatment channel.

However, the step of fastening said vein probing head to said user's body to retain said vein within said treatment channel is considered conventional in the art as evidenced by the teachings of Branigan (US 5,337,744).

Art Unit: 3737

The Branigan patent teaches the step of fastening said vein probing head to said user's body to retain said vein within said treatment channel.

Based on the above observations, for a person of ordinary skill in the art, modifying the device disclosed by Creaghan, Jr., with the above discussed enhancements would have been considered obvious because such modifications would have improved visualization of peripheral veins which are otherwise difficult to see or palpate, avoiding the agony of a patient being stuck with needles repeatedly until a vein is found.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John F. Ramirez whose telephone number is (571) 272-8685. The examiner can normally be reached on (Mon-Fri) 7:30 - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3737

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JFR  
12/02/05

Brian Casler  
Bm Cl  
SPE 3737